

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVE JAMES

Introduced: 1/21/94

Referred: Community & Regional Affairs, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the approval of subdivision plats in areas outside organized
2 boroughs, in the unorganized borough outside of cities, and in the third class
3 boroughs; and relating to the definitions of 'street' and 'subdivision'."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * Section 1. AS 40.15.070 is amended to read:

6 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided
7 or dedicated is situated within a first or second class borough, the proposed subdivision
8 or dedication shall be submitted to the borough planning commission for approval. If
9 the land is situated within a city in the unorganized borough or the third class borough,
10 the proposed subdivision or dedication shall be submitted to the city planning
11 commission for approval. The borough planning commission is the platting authority
12 for the first or second class borough, the city planning commission is the platting
13 authority for the city, and the Department of Natural Resources is the platting authority
14 in the remaining areas of the state and third class borough [FOR THE CHANGE OR

1 VACATION OF EXISTING PLATS OR A PORTION OF SUCH PLATS,
2 AS PROVIDED IN AS 40.15.075]. If the borough or the city does not have a
3 planning commission, the borough assembly or the city governing body, respectively,
4 is the platting authority and the proposed subdivision or dedication shall be submitted
5 to it. A subdivision may not be filed and recorded until it is approved by the platting
6 authority.

7 * Sec. 2. AS 40.15.075 is amended to read:

8 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH AND
9 THIRD CLASS BOROUGHES. The Department of Natural Resources is the platting
10 authority in the area outside organized boroughs and outside cities in the unorganized
11 borough and in the third class borough. The Department of Natural Resources may
12 not disapprove a new subdivision plat except for failure (1) to comply with
13 applicable state law; or (2) of the plat to provide for, or otherwise specify, access
14 to each lot, site, or other division of the subdivision. The Department of Natural
15 Resources when [FOR ONLY THE PURPOSES OF] hearing and acting on petitions
16 for the change or vacation of plats [AND] shall execute this function substantially in
17 conformity with the provisions of AS 29.40.130 - 29.40.160. Costs of publication and
18 mailing authorized in AS 29.40.130 shall be paid to the Department of Natural
19 Resources by the petitioner. The Department of Natural Resources shall adopt
20 reasonable regulations governing the exercise of the authority conferred by this section.

21 * Sec. 3. AS 40.15.290 is amended to read:

22 Sec. 40.15.290. DEFINITIONS. In this chapter

23 (1) "street" means an access way in common use including all of the
24 land lying within a dedicated right-of-way as delineated on a plat showing streets,
25 whether improved or unimproved [INCLUDES STREETS, AVENUES,
26 BOULEVARDS, ROADS, LANES, ALLEYS, AND OTHER WAYS];

27 (2) "subdivision"

28 (A) means the division of a tract or parcel of land into two or
29 more lots or by the creation of public access [, SITES, OR OTHER
30 DIVISIONS FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE,
31 OF SALE OR BUILDING DEVELOPMENT, AND INCLUDES

1 RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT,
2 RELATES TO THE PROCESS OF SUBDIVIDING OR TO THE LAND OR
3 AREAS SUBDIVIDED];

4 (B) does not include cadastral plats, cadastral control plats,
5 open-to-entry plats, or remote parcel plats created by or on behalf of the state
6 regardless of whether these plats include easements or other public dedications.